

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PEGGY ROIF ROTSTAIN, *et al.*
on behalf of themselves and all others
similarly situated,

Plaintiffs,

V.

TRUSTMARK NATIONAL BANK, *et al.*

Defendants.

§ § § § § § § § § §

Civil Action No. 3:09-CV-2384

PLAINTIFFS' MOTION FOR LIMITED STAY

NOW COME PLAINTIFFS, PEGGY ROIF ROTSTAIN, GUTHERIE ABBOTT, CATHERINE BURNELL, STEVEN QUEYROUZE, JAIME ALEXIS ARROYO BORNSTEIN and JUAN C. OLANO, individually and on behalf of all others similarly situated, (collectively hereinafter “Plaintiffs”) and file this Motion for Limited Stay (“Motion to Stay”), and in support thereof respectfully state as follows:

1. As explained fully in the accompanying brief, plaintiffs have thus far been unable to access key documents, testimony, and other information that they believe will buttress their claims against the defendants (collectively, the “Bank Defendants”), which are among the financial institutions that have been identified by the government and the Receiver as having provided essential services to Mr. Stanford’s Ponzi empire.

2. The plaintiffs reasonably expect that through the testimony to be presented at the criminal trial of R. Allen Stanford (the “Criminal Trial”), and the anticipated release of documents in connection with the Criminal Trial, thousands of documents concerning Stanford’s banking relationships, wire transfers, investments and other information related to

the Bank Defendants' interactions with Stanford will come to light and support the claims already asserted against the Bank Defendants and others.

3. The information that plaintiffs expect to become available in the coming months almost certainly will provide a basis to amend the existing Complaint to include not only additional factual allegations, but also additional defendants and perhaps additional claims. It would be a substantial waste of judicial resources to go forward with briefing and arguing Motions to Dismiss a Complaint that will soon be superseded.

4. The Receiver and the Examiner support this motion, and plaintiffs respectfully submit that granting the stay will be in the best interests of the defrauded investors.

[Remainder of page intentionally left blank]

PRAYER

WHEREFORE, Plaintiffs respectfully request that this Court:

- a. stay this action until the conclusion of the criminal trial of R. Allen Stanford in the matter *USA v. Stanford et al.*, Case No. 4:09-cr-00342, in the United States District Court for the Southern District of Texas, or until further order of this Court, without prejudice to the rights of any party to seek to lift the stay for cause at any time, and
- b. grant such other and further relief to which the parties may be justly entitled.

Dated: September 27, 2010

Respectfully submitted,

MORGENSTERN & BLUE, LLC

By: /s/ Peter D. Morgenstern
Peter D. Morgenstern (*pro hac vice*)
Gregory A. Blue (*pro hac vice*)

885 Third Avenue
New York, NY 10022
Telephone: (212) 750-6776
Facsimile: (212) 750-3128

LACKEY HERSHMAN, L.L.P.

3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219
Telephone: (214) 560-2201
Facsimile: (214) 560-2203

Attorneys for Plaintiffs

FRIEDMAN KAPLAN SEILER & ADELMAN LLP

1633 Broadway, 46th Floor
New York, NY 10019-6708
Telephone: (212) 833-1100
Facsimile: (212) 833-1250

Of Counsel

Certificate of Conference

Plaintiffs have consulted with all of the relevant parties, including the Receiver and the Examiner. *The Receiver and the Examiner support this Motion.*

Defendants Trustmark National Bank, N.A., Toronto Dominion Bank, and SG Private Banking (Suisse) S.A. oppose the motion. As of the time of filing, plaintiffs have received no response from the remaining defendants.

Dated: September 27, 2010

/s/ Peter D. Morgenstern
Peter D. Morgenstern

Certificate of Service

I hereby certify that on September 27, 2010, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: September 27, 2010

/s/ Peter D. Morgenstern
Peter D. Morgenstern

